

House Study Bill 147

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON JOCHUM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to an agreement among the states to elect the
2 president by national popular vote and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1440HC 82
6 sc/gg/14

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1 1 Section 1. NEW SECTION. 54.10 AGREEMENT AMONG THE STATES
1 2 TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.
1 3 This section, if effective, is in lieu of the provisions of
1 4 sections 54.1 through 54.3.
1 5 The agreement among the states to elect the president by
1 6 national popular vote may be cited as the "National Popular
1 7 Vote Compact". The national popular vote compact is entered
1 8 into and enacted into law with each other state that has
1 9 enacted the compact in substantially the following form:
1 10 ARTICLE I
1 11 MEMBERSHIP
1 12 Any state of the United States and the District of Columbia
1 13 may become a member of this agreement by enacting this
1 14 agreement.
1 15 ARTICLE II
1 16 RIGHT OF THE PEOPLE IN MEMBER STATES TO VOTE
1 17 FOR PRESIDENT AND VICE PRESIDENT
1 18 Each member state shall conduct a statewide popular
1 19 election for president and vice president of the United
1 20 States.
1 21 ARTICLE III
1 22 MANNER OF APPOINTING PRESIDENTIAL
1 23 ELECTORS IN MEMBER STATES
1 24 Prior to the time set by law for the meeting and voting by
1 25 the presidential electors, the chief election official of each
1 26 member state shall determine the number of votes for each
1 27 presidential slate in each state of the United States and in
1 28 the District of Columbia in which votes have been cast in a
1 29 statewide popular election and shall add such votes together
1 30 to produce a "national popular vote total" for each
1 31 presidential slate.
1 32 The chief election official of each member state shall
1 33 designate the presidential slate with the largest national
1 34 popular vote total as the "national popular vote winner".
1 35 The presidential elector certifying official of each member
2 1 state shall certify the appointment in that official's own
2 2 state of the elector slate nominated in that state in
2 3 association with the national popular vote winner.
2 4 At least six days before the day fixed by law for the
2 5 meeting and voting by the presidential electors, each member
2 6 state shall make a final determination of the number of
2 7 popular votes cast in the state for each presidential slate
2 8 and shall communicate an official statement of such
2 9 determination within twenty-four hours to the chief election
2 10 official of each other member state.
2 11 The chief election official of each member state shall
2 12 treat as conclusive an official statement containing the
2 13 number of popular votes in a state for each presidential slate
2 14 made by the day established by federal law for making a
2 15 state's final determination conclusive as to the counting of
2 16 electoral votes by Congress.
2 17 In event of a tie for the national popular vote winner, the

2 18 presidential elector certifying official of each member state
2 19 shall certify the appointment of the elector slate nominated
2 20 in association with the presidential slate receiving the
2 21 largest number of popular votes within that official's own
2 22 state.

2 23 If, for any reason, the number of presidential electors
2 24 nominated in a member state in association with the national
2 25 popular vote winner is less than or greater than that state's
2 26 number of electoral votes, the presidential candidate on the
2 27 presidential slate that has been designated as the national
2 28 popular vote winner shall have the power to nominate the
2 29 presidential electors for that state and that state's
2 30 presidential elector certifying official shall certify the
2 31 appointment of such nominees. The chief election official of
2 32 each member state shall immediately release to the public all
2 33 vote counts or statements of votes as they are determined or
2 34 obtained.

2 35 This article shall govern the appointment of presidential
3 1 electors in each member state in any year in which this
3 2 agreement is, on July 20, in effect in states cumulatively
3 3 possessing a majority of the electoral votes.

3 4 ARTICLE IV

3 5 OTHER PROVISIONS

3 6 This agreement shall take effect when states cumulatively
3 7 possessing a majority of the electoral votes have enacted this
3 8 agreement in substantially the same form and the enactments by
3 9 such states have taken effect in each state.

3 10 Any member state may withdraw from this agreement, except
3 11 that a withdrawal occurring six months or less before the end
3 12 of a president's term shall not become effective until a
3 13 president or vice president shall have been qualified to serve
3 14 the next term.

3 15 The chief executive of each member state shall promptly
3 16 notify the chief executives of all other states of when this
3 17 agreement has been enacted and has taken effect in that
3 18 official's state, when the state has withdrawn from this
3 19 agreement, and when this agreement takes effect generally.

3 20 This agreement shall terminate if the electoral college is
3 21 abolished.

3 22 If any provision of this agreement is held invalid, the
3 23 remaining provisions shall not be affected.

3 24 ARTICLE V

3 25 DEFINITIONS

3 26 For purposes of this agreement:

3 27 (1) "Chief election official" shall mean the state
3 28 official or body that is authorized to certify the total
3 29 number of popular votes for each presidential slate.

3 30 (2) "Chief executive" shall mean the governor of a state
3 31 of the United States or the mayor of the District of Columbia.

3 32 (3) "Elector slate" shall mean a slate of candidates who
3 33 have been nominated in a state for the position of
3 34 presidential elector in association with a presidential slate.

3 35 (4) "Presidential elector" shall mean an elector for
4 1 president and vice president of the United States.

4 2 (5) "Presidential elector certifying official" shall mean
4 3 the state official or body that is authorized to certify the
4 4 appointment of the state's presidential electors.

4 5 (6) "Presidential slate" shall mean a slate of two
4 6 persons, the first of whom has been nominated as a candidate
4 7 for president of the United States and the second of whom has
4 8 been nominated as a candidate for vice president of the United
4 9 States, or any legal successors to such persons, regardless of
4 10 whether both names appear on the ballot presented to the voter
4 11 in a particular state.

4 12 (7) "State" shall mean a state of the United States and
4 13 the District of Columbia.

4 14 (8) "Statewide popular election" shall mean a general
4 15 election in which votes are cast for presidential slates by
4 16 individual voters and counted on a statewide basis.

4 17 EXPLANATION

4 18 This bill creates a compact for the state of Iowa whereby
4 19 the state agrees to certify its electors for president of the
4 20 United States based on the national popular vote for
4 21 president, rather than on the popular vote for president
4 22 within the state. The agreement is cited in the bill as the
4 23 "National Popular Vote Compact". To take effect, the compact
4 24 must be enacted by any number of states whose electoral votes,
4 25 in the aggregate, constitute a majority of the entire number
4 26 of electoral votes nationally. The compact provides that any
4 27 member state may withdraw from the compact. However, if a
4 28 withdrawal occurs six months or less before the end of a

4 29 president's term, the withdrawal shall not take effect until a
4 30 president has qualified to serve the next term.
4 31 LSB 1440HC 82
4 32 sc:nh/gg/14